

**UNITED STATES DISTRICT COURT
FOR THE
DISTRICT OF VERMONT**

**TIMOTHY R. BURGESS, JOHN A.
BURGESS, VIRGINIA G. BURGESS,
and VIRGINIA G. BURGESS, on
behalf of Timothy John Burgess,
a minor,**

Plaintiff

v.

**ROBERT HOFMANN, Commissioner,
Vermont Department of Corrections,
VERMONT DEPARTMENT OF
CORRECTIONS and STATE OF
VERMONT,**

Defendants

File No. 1:07-CV-80

ORDER

The Magistrate Judge's Report and Recommendation was filed October 24, 2007. (Paper 26.) After de novo review and absent objection, the Report and Recommendation is AFFIRMED, APPROVED and ADOPTED. See 28 U.S.C. § 636(b)(1).

Defendants' motion to set aside default (Paper 23) is GRANTED. Plaintiffs' motion for default judgment (Paper 19) is DENIED.

SO ORDERED.

Dated at Brattleboro, in the District of Vermont, this 19th day of November, 2007.

/s/ J. Garvan Murtha

J. Garvan Murtha
United States District Judge